



## Austin City Council MINUTES

JUNE 9, 1994 - 1:00 P.M.

Mayor Todd called to order the meeting of the Council, noting the absence of Councilmember Reynolds.

### MINUTES APPROVED

1. Approval of Minutes for Regular Meetings of April 28, 1994 and May 26, 1994 Deleted

### CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Peter Bagnall, to discuss speed hump policy.

### ORDINANCES

3. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 1500 to 1700 blocks South Mopac Expressway, Case No. C14-93-0126, from "LO", Limited Office and "LR", Neighborhood Office to "GO", General Office, TREEMONT, AUSTIN, INC. (Larry Peel), by Graves, Dougherty, Hearon & Moody (Wm. Terry Bray). First reading on November 18, 1993; Vote 7-0. Conditions met as follows: There were no conditions to be met; applicant requested that second/third readings of ordinance be delayed.

Approved emergency passage of Ordinance No. 940609-M subject to compliance with quality provisions of the SOS Ordinance on Councilmember Garcia's motion, Councilmember Shea's second, 5-0 vote, Councilmember Reynolds absent.

4. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as East U.S. Highway 290 and U.S. Highway 183 East, Case No. C14-94-0005, from "I-RR", Interim Rural Residence to "LI-CO", Limited Industrial Services-Conditional Overlay, M.V. WALNUT CREEK, LTD. (Rick Marcellin), by The Faust Group (William Faust). First reading on March 24, 1994; Vote 5-0, Mayor Pro Tem Nofziger absent. Conditions met as follows: conditional overlay and restrictive covenant incorporate conditions imposed by Council.

Ordinance No. 940609-A

5. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as East U.S. Highway 290 and U.S. Highway 183 East, Case No. C14-94-0007, from "I-RR", Interim Rural Residence to "LI-CO", Limited Industrial Services-Conditional Overlay, M.V. WALNUT CREEK, LTD. (Rick Marcellin), by The Faust Group (William Faust). First reading on March 24, 1994; Vote 5-0, Mayor Pro Tem Nofziger absent. Conditions met as follows: conditional overlay and restrictive covenant incorporate conditions imposed by Council.  
Ordinance No. 940609-B

Items 4-5 approved on Councilmember Shea's motion, Councilmember Goodman's second, 5-0 vote, Councilmember Reynolds absent.

6. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 10614 Research Boulevard, Case No. C14-94-0040, from "GO", General Office & "GR-CO" Community Commercial-Conditional Overlay to "GR-CO" Community Commercial-Conditional Overlay, TEXAS COMMERCE BANK (Scott W. Krieger), by Site Specifics (Bobbie Jo Cornelius). First reading on May 26, 1994; Vote 4-0, Councilmember Garcia abstained and Shea absent. Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council.

Ordinance No. 940609-C approved on Councilmember Shea's motion, Councilmember Goodman's second, 4-0-1 vote, Councilmember Garcia abstained, Councilmember Reynolds absent.

7. Approve accepting the work for improvements to Havana Street from South 4th Street to cul-de-sac as per the Paving Assessment Policy approved by Council on April 28, 1994.

Ordinance No. 940609-D approved on Councilmember Shea's motion, Councilmember Goodman's second, 5-0 vote, Councilmember Reynolds absent.

8. Amend the Austin City Code by adding Section 13-2-489(c) to the Land Development Code to require developers to provide street name signs in new subdivisions. (Recommended by the Planning Commission)  
Deleted

9. Amend the Austin City Code by modifying the Basic Traffic Ordinance, Section 16-4-4 (D) Speed limits, for the installation of a 20 mph school zone on Exposition Boulevard for students attending O'Henry Middle School. (Funding in the amount of \$2,500 for signs and flashing equipment is available in the 1993-94 Child Safety Fund of the Public Works and Transportation Department.)  
Ordinance No. 940609-E

10. Amend the Austin City Code by modifying the Basic Traffic Ordinance, Chapter 16-4, Article IV and Article V - Speed Limits, to re-establish the existing Reduced Speed School Zones for various schools throughout the City of Austin. (No fiscal impact.)  
Ordinance No. 940609-F

11. Approve changing the street name of a portion of Knox Lane to Enclave Mesa Circle (from the intersection of Knox Lane and Mesa Drive to the end of the right-of-way, approximately 150') to correct continuity of a street name. (Funding in the amount of \$70 for street signs is available in the 1993-94 operating budget of the Public Works and Transportation Department.)  
Ordinance No. 940609-G
  12. Approve changing the street name of Copperwood Drive to Gaines Ranch Road (from the intersection of Travis Country Circle and Copperwood Drive to the end of the right-of-way, approximately 200') to correct continuity of a street name. (Funding in the amount of \$70 is available in the 1993-94 operating budget of the Public Works and Transportation Department.)  
Ordinance No. 940609-H
- Items 9-12 approved on Councilmember Shea's motion, Councilmember Goodman's second, 5-0 vote, Councilmember Reynolds absent.
13. Approve the transfer of ownership of Gold Cross Ambulance Services, pursuant to the franchise agreement with the City of Austin. (No fiscal impact). [To be reviewed by Quality Assurance Team on June 7, 1994.]  
Deleted
  14. Authorize acceptance of \$35,600 in grant funds from the Texas Youth Commission for employment of paroled youth in the Fire Department Youth Corps Program; amend Ordinance No. 930915-A,, the 1993-94 operating budget, and amending the Special Revenue Fund by appropriating \$35,600 in grant funds to the Health and Human Services Department Special Revenue Fund. (Related to Item 17)  
Ordinance No. 940609-I
  15. Approve naming new 18-hole golf course currently under construction at 5300 Jimmy Clay Drive the "Roy Kizer Golf Course." (Recommended by the Parks Board)  
Ordinance No. 940609-J

#### RESOLUTIONS

16. Approve Change Order No. 5 to GARNEY COMPANIES, INC., Kansas City, Missouri, for adjustments to the South Austin Regional Wastewater Treatment Plant/Jimmy Clay Water Reuse System, in the amount of \$5,426, for a total contract amount of \$1,867,360.77. (Funding was included in the 1993-94 Capital budget of the Parks and Recreation Department. No M/WBE Subcontracting opportunities were identified. (Recommended by Golf Advisory Board, Parks and Recreation Board and Water and Wastewater Commission)  
Approved
17. Approve an Interlocal Agreement with the Texas Youth Commission for employment of paroled youth in the Austin Fire Department Youth Corps, in the amount of \$35,600. (Funding in the amount of \$35,600 is provided by the Texas Youth Commission.) (Related to Item 14)  
Approved

18. Authorize application for designation as an Empowerment Zone/Enterprise Community from the U.S. Department of Housing and Urban Development.  
Approved
19. Approve selection of three (3) landscape architectural firms: WINTEROWD ASSOCIATES LANDSCAPE ARCHITECTURE, (WBE), Austin, Texas; CAROLYN KELLEY, ASLA, LANDSCAPE ARCHITECT, (WBE), Austin, Texas; LARSON DESIGN GROUP, INC., Austin, Texas for a Landscape Architectural Services Rotation List to provide consultant, landscape architectural services for small landscape architectural and park design projects, for a period of two (2) years or until available funding is expended, in the amount of \$105,000 (estimated amount of approximately \$35,000 per firm). [Funding was included in the Capital budget of the Parks and Recreation Department.] Best qualification statement of ten (10). Percentages of M/WBE Subcontractor participation cannot be determined at this time because the actual scope of work is not known.  
Approved
20. Authorize negotiation and execution of a Parkland Improvement Agreement with Town Lake Partners to construct an observation point on the north shore of Town Lake, 1700 feet east of the MoPac pedestrian bridge. (Funding provided by Town Lake Partners.) [Recommended by the Parks and Recreation Board]  
Approved
21. Approve execution of a twelve (12) month supply agreement with PATHMARK TRAFFIC PRODUCTS, San Marcos, Texas, for the purchase of traffic marking paint for marking concrete and asphaltic street surfaces, in an amount not to exceed \$105,230, with two (2) twelve (12) month extension options in an amount not to exceed \$105,230 per extension, for a total amount not to exceed \$315,690. [Funding in the amount of \$26,307.48 is available in the 1993-94 operating budget of the Public Works and Transportation Department. Funding for the remaining nine (9) months (\$78,922.52) of the contract period and the extension options will be contingent upon available funding in future budgets.] Low bid of four (4). No M/WBE Subcontracting opportunities were identified.  
Approved
22. Approve a construction contract award to AUSTIN BRIDGE AND ROAD, INC., Austin, Texas, for the reconstruction of failed pavement, sidewalks, driveways, curbs, and gutters and placement of an asphalt overlay, on Cary and Nasco Streets, from White Rock Drive to Allandale Road, in the amount of \$274,537.50. (Funding in the amount of \$270,537.50 was included in the 1993-94 Capital budget of the Public Works and Transportation Department; \$1,600 was included in the 1991-92 Capital budget of the Water Utility; \$2,400 was included in the 1991-92 Capital budget of the Wastewater Utility.) Low bid of six (6). 12.56% MBE, 5.06% MBE Subcontractor participation. (Recommended by Water and Wastewater Commission)  
Approved
23. Authorize negotiation and execution of an amendment to the professional services agreement with TRINITY ENGINEERING TESTING CORPORATION, Austin, Texas, for additional soil testing services for streets, buildings, water and wastewater projects and subdivisions, in the estimated amount of \$150,000, for a maximum total contract amount of \$650,000. (Funding was included in the 1993-94 Capital

budget of the Public Works and Transportation Department.) 10% MBE, 5% WBE Subconsultant participation.

Approved

24. Approve an amendment to the General Civil Engineering Consultant Selection Matrix.  
Approved

25. Approve execution of a contract with MOTOROLA COMMUNICATIONS AND ELECTRONICS, INC., Austin, Texas, for the purchase and installation of twenty (20) mobile data terminals and the purchase of thirty-two (32) two-way radios, and two-way radio communication equipment, in an amount not to exceed \$207,243. (Funding is available in the 1993-94 operating budget of the Austin Police Department.) Sole Source. No M/WBE Subcontracting opportunities were identified.

Approved

26. Approve the selection of CH2M HILL, INC., Austin, Texas, and authorize negotiations and execution of a professional services agreement for engineering services for the design of the West Runway System for the New Austin Airport, in an amount not to exceed \$1,650,000. [Funding was included in the 1993-94 Capital budget of the Aviation Department. The project is eligible for future Federal Aviation Administration (FAA) grant reimbursement at 75% of eligible costs.] Low bid of six (6). 32% DBE participation: 32% MBE, 0% WBE. (Reviewed by the Airport Advisory Board)

Approved

27. Approve execution of a twelve (12) month supply agreement with MARTIN'S UNIFORMS, San Antonio, Texas, for the purchase of short sleeve knit shirts for use by various City departments, in an amount not to exceed \$83,600, with the option to extend thereafter for two (2) additional twelve (12) month periods in an amount not to exceed \$83,600 for each option period, for a total amount not to exceed \$250,800. (Funding in the amount of \$27,866.67 is available in the 1993-94 operating budget of the user departments. Funding in the amount of \$55,733.33 for eight (8) months of the original contract period and the extension options will be contingent upon available funding in future budgets.) Low bid of four (4) meeting specifications. No M/WBE Subcontracting opportunities were identified.

Approved

Items 14-27 approved on Councilmember Shea's motion, Councilmember Goodman's second, 5-0 vote, Councilmember Reynolds absent.

28. Authorize negotiation and execution of Task I of a multi-task engineering contract with JAMES MIERTCHIN AND ASSOCIATES, INC., Austin, Texas, to establish three operating permit levels in the Barton Springs Zone as approved under the 1991 Composite Ordinance: (1) maintenance; (2) auditing (visual monitoring) for operation of no discharge controls; and (3) monitoring of controls which discharge. (Task I, at an estimated cost of \$23,900, provides for the development of operating permit procedures to audit and monitor water quality controls.) [Funding is available in the 1993-94 operating budget of the Environmental and Conservation Services Department.] Best proposal of four (4). 10% MBE, 5% WBE Subconsultant participation.

Approved on Councilmember Garcia's motion Councilmember Goodman's second, 4-1 vote, Mayor Pro Tem Nofziger voted NO, Councilmember Reynolds absent.

29. Authorize negotiation and execution of a six (6) month Interlocal Agreement with the Austin Independent School District (AISD) to build a rainwater harvester at Becker Elementary School's Green Classroom, in an amount not to exceed \$4,000. (Funding is available in the 1993-94 operating budget of the Environmental and Conservation Services Department.) [Recommended by Environmental Board]  
Approved
30. Approve negotiation and execution of an Interlocal Agreement for a two (2) year research project with the Center for Research in Water Resources of the University of Texas at Austin to develop a Barton Springs/Edwards Aquifer groundwater model to analyze and predict total watershed impacts, enabling the City to estimate cumulative effects of prior and future urbanization, in the amount of \$102,000. (Funding is available in the 1993-94 operating budget of the Environmental and Conservation Services Department.) [Recommended by the Environmental Board]  
Approved

Items 29-30 approved on Councilmember Shea's motion, Councilmember Goodman's second, 5-0 vote, Councilmember Reynolds absent.

31. Approve reappointment of Dr. Raleigh Maurice Hood to the Civil Service Commission.  
Deleted
32. Approve changing the date of the regular monthly Electric Utility City Council meeting from the third Thursday of each month to the fourth Thursday of each month, effective with the June, 1994 Electric Utility agenda.  
Approved

#### ITEMS FROM COUNCIL

33. Direct the Acting City Manager to restart an effort to develop a buffer zone between the ACCO Waste Paper Company and the Garden Neighborhood. (Councilmember Gus Garcia)  
Approved
34. Approve the full purpose annexation of the Stenis tract and adjacent property comprising approximately 90 acres of land at Loop 360 and Spicewood Springs Road. (Councilmembers Brigid Shea, Gus Garcia and Jackie Goodman)  
Ordinance No. 940609-K

Items 32-34 approved on Councilmember Shea's motion, Councilmember Goodman's second, 5-0 vote, Councilmember Reynolds absent.

#### 4:00 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES

35. C14-94-0042 - RAYMOND & GRACIE KOCH, by Republic Commercial Construction (Dawnetta Denham), 12501 Silver Spur. From NO to LO. PLANNING COMMISSION RECOMMENDATION: To Grant LO-CO, Limited Office-Conditional Overlay, subject to the following conditions: (1) limit floor-to-area (F.A.R.) to 0.15; (2) dedicate 75 feet of right-of-way from the existing centerline of Parmer Lane in accordance with the

roadway plan and up to 35 feet of right-of-way from the existing centerline of Silver Spur in accordance with the Transportation Criteria Manual; (3) limit the site development requirements to the NO, Neighborhood Office, district requirements; and (4) Medical Office as the only LO, Limited Office and all NO, Neighborhood Office, use.

Close public hearing on Councilmember Shea's motion, Councilmember Garcia's second, 5-0 vote, Councilmember Reynolds absent.

Approve 1st reading of Planning Commission recommendation on Councilmember Shea's motion, Mayor Pro Tem Nofziger's second, 5-0 vote, Councilmember Reynolds absent.

36. C14r-83-280 - ARBORETUM, by Crow Gottesman-Shafer #1 and Trammel Crow Company #30 (Terry Bray), 10000 N. U.S. Hwy. 183. PLANNING COMMISSION RECOMMENDATION: To approve staff recommendation as amended with a 220,000 square feet cap only on Lot 6, the Resubdivision of Lot 2 of the Arboretum at Great Hills for all uses (not just limited to "Retail" as defined by the Land Development Code.)

Approve Ordinance No. 940609-L on Councilmember Garcia's motion, Councilmember Goodman's second, 4-0 vote, Mayor Pro Tem Nofziger out of the room, Councilmember Reynolds absent.

Move to reconsider on Councilmember Goodman's motion, Councilmember Garcia's second, 4-0 vote, Mayor Pro Tem Nofziger out of the room, Councilmember Reynolds absent.

Approved Ordinance No. 940609-L on Councilmember Garcia's motion, Councilmember Goodman's second, 5-0 vote, Councilmember Reynolds absent.

37. C14-92-0107 - AUSTIN CENTURY PARK, LTD. (Ralph Reed), by Brown, McCarrol & Oaks, Hartline (Henry Gilmore), 13601 & 13605 Ida Ridge Drive and 2800 & 2900 Century Park Boulevard. From IP to MF-3-CO. Request for six-month extension.

Approved applicant's request for extension on Councilmember Garcia's motion, Councilmember Goodman's second, 4-0 vote, Mayor Pro Tem Nofziger out of the room, Councilmember Reynolds absent.

#### PUBLIC HEARING AND APPROVAL OF ORDINANCES/RESOLUTIONS

38. 4:30 P.M. - Appeal by Wm. Terry Bray of the Planning Commission's action of May 10, 1994, for a ten year phasing request on the Temple Inland Financial Corporate Headquarters Facility, located at 1300 South Mopac Expressway Southbound.

Close public hearing on Councilmember Garcia's motion, Councilmember Shea's second, 4-0 vote, Mayor Todd out of the room, Councilmember Reynolds absent.

Approved Planning Commission recommendation on Councilmember Shea's motion, Councilmember Garcia's second, 5-0 vote, Councilmember Reynolds absent.

**EXECUTIVE SESSION (No Public Discussion on These Items)**

Recessed for Executive Session at 5:09 P.M.

The City Council will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation and personnel matters as specifically listed on the meeting agenda. Council would take any subsequent action in the open meeting as listed on the agenda. The City Council may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item listed on this agenda.

39. Discuss Sharon Ann Smith Taylor v. City of Austin; Cause No. 453,846.
40. Discuss Rene Robinson v. City of Austin, et al.; Cause No. 93-04525.
41. Discuss Philip Gutierrez, et al v. Mobil Oil Corp, et al.; Cause No. 92-04889.
42. Discuss status of Hector Polanco v. City of Austin; Civil Action No. 93-CA-385SS; in the United States District Court of the Western District of Texas,, Austin Division.
43. Discuss Donna Minks v. City of Austin; Civil Action No. A-93-CA-237SS, in the United States District Court, Western District of Texas, Austin Division.
44. Discuss legal issues concerning the valuation of the City's rights-of-way.
45. Discuss legal issues concerning possible litigation with Austin CableVision.

**ACTION ON THE FOLLOWING**

46. Approve settlement of Sharon Ann Smith Taylor v. City of Austin, Cause No. 453,846.

Approved settlement of \$250,000.00 on Mayor Pro Tem Nofziger's motion, Councilmember Shea's second, 4-0 vote, Councilmember Garcia out of the room, Councilmember Reynolds absent.

47. Approve settlement of Rene Robinson v. City of Austin, et al; Cause No. 93-04525.

Approved settlement on Councilmember Shea's motion, Mayor Pro Tem Nofziger's second, 4-0 vote, Councilmember Garcia out of the room, Councilmember Reynolds absent.

48. **APPOINTMENTS**

ANIMAL ADVISORY COMMISSION - Robert J. Kelly, licensed veterinarian; Patricia Valls-Trelles, pet owner  
CONSTRUCTION ADVISORY COMMITTEE - John Armstrong, construction

PARKS & RECREATION BOARD - Mary K. Isaacs, Phil Friday  
RESOURCE MANAGEMENT COMMISSION - Victor Aquino  
TRAVIS CENTRAL APPRAISAL DISTRICT BOARD OF TRUSTEES - Irma Facundo Anderson  
URBAN FORESTRY - Kevin Casey, Guy LeBlanc  
WATER AND WASTEWATER - Mac Enroe McQuade

Approved on Mayor Pro Tem Nofziger's motion, Councilmember Garcia's second, 5-0 vote, Councilmember Reynolds absent.

ADJOURN at 6:46 P.M. on Councilmember Garcia's motion, Councilmember Shea's second, 5-0 vote, Councilmember Reynolds absent.

The Council recessed from 3:03 until 3:05 p.m. on Councilmember Goodman's motion, Mayor Pro Tem Nofziger's second, 5-0 vote, Councilmember Reynolds absent.

The Council recessed from 4:24 until 4:30 p.m. on Councilmember Garcia's motion, Councilmember Goodman's second, 5-0 vote, Councilmember Reynolds absent.

Approved on the 16th day of June, 1994, on Councilmember Shea's motion, Mayor Pro Tem Nofziger's second, 7-0 vote.

1

2

3